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active, a useful, and a happy one. There was as little in it for his friends to look back upon with regret, as is compatible with the necessary imperfections of the human character and condition ; whilst there was much, very much, that could be contemplated only with, — we will not say pride, — but with a sentiment of a higher and nobler sort. All the success which he wished, or was capable of enjoying, he had attained. He had striven constantly, and not in vain, in the only paths in which he desired to walk. He had enjoyed and he had suffered much. He had received multiplied favors from his fellow-men and choicest blessings from Heaven. Gratitude to God and men was among the most cherished of his feelings. He had been tried by repeated afflictions, and by wasting, protracted, and painful disease. But he had submitted in patience, and without repining. They had not dimmed the brightness of his hope, nor ever made him waver in his faith. He had always lived in the near expectation of death, and, when at last it came, he met it with unfaltering trust." — pp. 453, 454.

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ART. IX.—1. *The History of Oregon and California, and the other Territories on the Northwest Coast of North America ; accompanied by a Geographical View and Map of those Countries, and a Number of Documents as Proofs and Illustrations of the History.* By ROBERT GREENHOW, Translator and Librarian to the Department of State. Second Edition, revised, corrected, and enlarged. Boston : Little and Brown. 1845. 8vo. pp. 492.

2. *The Oregon Question ; or, a Statement of the British Claims to the Oregon Territory, in Opposition to the Pretensions of the Government of the United States of America.* By THOMAS FALCONER, Esq., Barrister at Law of Lincoln's Inn. Second Edition. London : Samuel Clarke. 1845. 8vo. pp. 50.

THE readers of Guy Mannering probably remember Dandie Dinmont's famous lawsuit with his neighbour Jock o' Dawston Cleugh about the "marches," or boundaries, of the good farm of Charlies-hope. But for the benefit of those who have not read the passage, or who may have for-

gotten it, we subjoin Dandie's own account of the dispute, together with Counsellor Pleydell's excellent advice on the occasion.

“ ‘ We’re at the auld wark of the marches again, Jock o’ Dawston Cleugh and me. Ye see we march on the tap o’ Touthop-rigg after we pass the Pomoragrains ; for the Pomoragrains, and Slackenspool, and Bloodylaws, they come in there, and they belang to the Peel ! but after ye pass Pomoragrains at a muckle great saucer-headed cutlugged stane, that they ca’ Charlies Chuckie, there Dawston Cleugh and Charlies-hope they march. — Now, I say, the march rins on the tap o’ the hill where the wind and water shears, but Jock o’ Dawston Cleugh again, he contravenes that, and says that it hauds down by the aul drove road that gaes awa’ by the Knot of the Gate ower to Keeldar-ward, — and that makes an unco difference.’

“ ‘ And what difference does it make, friend ? How many sheep will it feed ? ’

“ ‘ Ou, no mony, — it’s lying high and exposed, — it may feed a hog, or aiblins twa in a good year.’

“ ‘ And for this grazing, which may be worth about five shillings a year, you are willing to throw away a hundred pound or two ? ’

“ ‘ Na, sir, it’s no for the value of the grass, — it’s for jus-  
tice.’

“ ‘ My good friend, justice, like charity, should begin at home. Do you justice to your wife and family, and think no more about the matter.’

“ Dinmont still lingered, twisting his hat in his hand ; — ‘ It’s no for that, sir, — but I would like ill to be bragged wi’ him, — he threeps he’ll bring a score o’ witnesses and mair, — and I’m sure there’s as mony will swear for me as for him, folk that lived a’ their days upon the Charlies-hope, and wad na like to see the land lose its right.’

“ ‘ Zounds, man, if it be a point of honor, why don’t your landlords take it up ? ’

“ ‘ I dinna ken, sir, (scratching his head) there’s been nae election-dusts lately, and the lairds are unco neighbourly, and Jock and I canna get them to yoke thegither about it a’ that we can say, — but if ye thought we might keep up the rent ’ —

“ ‘ No ! no ! that will never do, — confound you, why don’t you take good cudgels and settle it ? ’

“ ‘ Odd, sir, we tried that three times already, — that’s twice on the land and ance at Locherbye fair. — But I dinna ken, — we’re baith gay good at singlestick, and it could na weel be judged.’

“ ‘ Then take broad-swords, and be damned to you, as your fathers did before you.’

“ ‘ Aweel, sir, if ye think it wad na be again the law, it ’s a’ ane to Dandie.’

“ ‘ Hold ! hold ! we shall have another Lord Soulis’ mistake. — Pr’y thee, man, comprehend me ; I wish you to consider how very trifling and foolish a lawsuit you wish to engage in.’

“ ‘ Ay, sir ? So you winna take on wi’ me, I ’m doubting ? ’

“ ‘ Me ! not I, — go home, go home, take a pint and agree.’ ”

Two of the richest and most powerful nations in the world, England and the United States, are now just in the position of Dandie Dinmont and his neighbour Jock, though the land in dispute between them is by no means of as great relative importance when compared with their other possessions. The territory of Oregon is not worth much ; “ it ’s lying high and exposed — it may feed a hog, or aiblins twa in a good year.” It is separated from the one power by a broad ocean and the intervention of a vast continent, and from the other by a desert two thousand miles broad and a range of lofty and precipitous mountains. It has remained for half a century open to any wanderers who might see fit to establish themselves there, and run the risk of starvation. Yet, till within four or five years, it has been tenanted only by Indians, wolves, and bears, or by small companies of hunters and trappers, who go there to obtain furs, but not to found a home. England has found it worth her while to establish colonies at the antipodes ; she is fast peopling Van Diemen’s Land and New Zealand, but sends no emigrants to Oregon, though she had wrested from Spain, in 1790, by a threat of war and by an armament of enormous cost, a right to make settlements there if she found it expedient. The same treaty stipulated that the whole coast should remain open for settlement by Spain also ; but not one Spaniard thought fit to build a hut on the inhospitable shore. The United States succeeded by treaty to the rights of Spain, but were almost equally dilatory in profiting by them. “ The citizens of the United States in Oregon, previous to 1843,” says Mr. Greenhow, “ did not probably exceed four hundred in number.” Within the last two years, indeed, a much larger number of our people, probably some three thousand, acting on the very extraordinary presumption, that a country, which two great nations were threatening to go to war about,

must be at least fit to live in, have actually traversed the vast and barren *steppes* and mountain ranges which separate Missouri from the Pacific Ocean, and have established themselves in that distant and unpromising region ; though every one of them might have purchased an Illinois farm of the finest land in the world probably for less than what his journey has cost him. This attempt at colonization will hardly go much further ; we shall see hereafter, that vastly the greater part of Oregon is absolutely uninhabitable by civilized men.

But “it’s no for the value of the land,—it’s for justice.” Ay, that is it ; a regard to justice, or national honor, as the more current phrase goes, has been the sole cause of this angry and protracted dispute. Politicians and diplomatists are “all honorable men,” remarkable for their high respect for all the requisitions of the moral code, and they are determined that the great nations for whom they act shall be equally punctilious with themselves. They would “give thrice so much land to any well deserving friend”; but when national honor, or their own political advancement, is at stake, mark you, they will “cavil on the ninth part of a hair.” As for negotiation, “Odd, sir, we tried that three times already”; but the two parties are “baith gay good” at the singlestick of diplomacy, “and it could na weel be judged.” So but one course seems to remain, that the two nations should once more take broadswords, and settle the matter as their fathers did before them. As we are of Counsellor Pleydell’s mind, that they had much better “take a pint and agree,” we will try to present a few considerations in favor of compromising the dispute, though at the risk of finding our advice as little heeded as was that of the honest Scotch lawyer.

As this is a grave national question, which has occupied the serious attention of the greatest statesmen of England and the United States for more than a quarter of a century, some may think that we treat it too lightly. But in all soberness we ask our readers to judge, whether the parallel here instituted, though seemingly ludicrous, be not a perfectly fair one,—whether two civilized and Christian nations ought to be upheld in a mode of managing a dispute with each other, which if two neighbouring farmers were to adopt, it is hard to say whether they would subject themselves to more ridi-

cule or reprobation from the bystanders. In the name of common sense, can persons when banded together in a community adopt a code of morality and prudence totally unlike that to which they submit as individuals? We are not now endeavouring to judge the case by those nice and strict principles which some persons think will be fully applicable to the affairs of men only when the millennium has arrived. We throw overboard, for the nonce, even all considerations about the sinfulness of war, and all appeal to the literal application of the precepts of the gospel. We ask attention only to a fair and sober comparison — made in the very spirit with which every prudent merchant, farmer, and manufacturer in the country manages his pecuniary concerns — of the value of the article in controversy with the probable cost of settling that controversy by an appeal to arms. Proceeding a little further, an examination of the arguments offered on both sides of the dispute may afford grounds for believing, that this is a question above all others to be determined by compromise, that it is impossible in the nature of things for the one party to be absolutely in the right and the other absolutely in the wrong, but that all the principles of international law which are applicable to the case will make out at the best a title for either party to a territory the *limits* of which are absolutely indeterminate; in other words, a claim to the *whole* of Oregon cannot be supported, even in appearance, otherwise than by an appeal to the right of the strongest.

Our readers need not be alarmed; we are not going to inflict upon them a view of the entire matter in dispute, or a summary of the facts and arguments alleged on both sides. The matter has already been pretty fully discussed in our pages, and the public have more lately had quite enough of it in state papers, political harangues, magazine articles, and the newspapers. Fortunately for us, then, we may take for granted a general acquaintance with the grounds of the controversy, and only brief and incidental allusion need be made to arguments now worn entirely threadbare. The only point which the disputants have nearly forgotten to discuss is the value and extent of the territory in dispute; and as the most ludicrous misstatements and exaggerations prevail on this subject, it may be well to investigate it a little more closely. We will give but one instance to show the falsity

and silliness of the reports to which the newspapers give currency upon this topic. Within a few weeks, a series of lithographic maps has been published by Mr. Hulawa, a person employed in the United States land office in Missouri. The first in the series presents a “Plan of the Town of ASTORIA, *Oregon Territory*,” in which thirty-five or forty great streets and avenues are laid down, sixty feet in width, except one, the Broadway of the place, which is one hundred and twenty feet broad. References by letters to the margin show the spots occupied by the “religious institutions,” the fish-market, the custom-house, which is on the site of old Fort Astoria, the public burying-ground, and two “academies of learning,” — probably colleges, as common schools, we suppose, would be beneath the dignity of such a flourishing place. Captain Wilkes, the commander of the Exploring Expedition, being attracted, doubtless, by the great fame of this city in the wilderness, paid a visit to it four or five years ago, and describes it as follows : —

“ In the morning we had a view of the somewhat famous Astoria, which is any thing but what I should wish to describe. Half a dozen log-houses, with as many sheds, and a pig-sty or two, are all that it can boast of, and even these appear to be rapidly going to decay. The Company pay little regard to it, and the idea of holding or improving it as a post has long since been given up.” — *Exploring Expedition*, Vol. iv., p. 320.

Mr. Farnham also visited the place in 1839, and gives the following account of it.

“ Astoria has passed away ; nothing is left of its buildings but an old batten cedar door ; nothing remaining of its bastions and pickets but a half dozen of the latter, tottering among the under-brush. The Hudson’s Bay Company are in possession, and call the post Fort George. They have erected three log buildings, and occupy them with a clerk, who acts as a telegraph-keeper of events at the mouth of the river.”

As it is still in possession of the Hudson’s Bay Company, and the recent emigrants from the United States, instead of directing their steps thither, have all established themselves in the valley of the Willamette, far to the south, it is quite certain that the place has made progress only in decay since Wilkes’s departure. After this, who will say that Martin Chuzzlewit’s account of the city of Eden is a caricature ?

The country of Oregon, lying between the Rocky mountains and the Pacific Ocean, is bounded on the south by the parallel of  $42^{\circ}$  of latitude, and on the north by the parallel of  $54^{\circ} 40'$ . On a rough estimate, therefore, it occupies a space of about thirteen degrees of latitude, and fifteen of longitude, reckoning from the meridian of  $110^{\circ}$  to that of  $125^{\circ}$  west from Greenwich. Besides the great range of the Rocky mountains, forming its eastern boundary, there are two other chains of mountains, one called the Far-West, or the Cascade range, and the other the Blue mountains, which run through the country from north to south, and separate it into three great divisions, differing from each other by marked peculiarities of soil and climate ; these may be denominated for convenience as Western, Middle, and Eastern Oregon. The Far-West mountains, being, as the name implies, the westernmost chain, run northward at a distance of one hundred or one hundred and twenty miles from the Pacific coast. "About one hundred and fifty miles east of the Far-West mountains," says Mr. Greenhow, "is another chain called the Blue mountains, stretching from the Snowy mountains northward to the forty-seventh degree of latitude, and forming the western wall of the valley of the Lewis, the great southern branch of the Columbia."

To show what are the capacities of the country for agriculture and commerce, and what encouragements generally it offers for emigrants, we will begin with Eastern Oregon, which lies between the Blue and the Rocky mountains. A short quotation from Mr. Greenhow, whose work is a very convenient and faithful summary of all the accessible information upon this subject, will place in a very clear light the true character of this region. His testimony, it may be observed, is unimpeachable, when used for this purpose, as the sole object of his book is to defend the American claim, and to advocate the retention of the country by the United States.

"The country between the Blue mountains and the Rocky mountains appears to be, except in a very few, small, detached spots, absolutely uninhabitable by those who depend on agriculture for subsistence. It is, in fact, a collection of bare, rocky mountain chains, separated by deep gorges, through which flow the streams produced by the melting of the snows on the summits ; for in the lower grounds rain seldom falls at any time. On

the borders of the Lewis, and of some of the streams falling into it, are valleys and prairies, producing grass for cattle ; but all the attempts to cultivate the esculent vegetables have failed, chiefly, as it is believed, from the great difference in the temperature between the day and the succeeding night, especially in the summer, which is commonly not less than thirty, and often exceeds fifty, degrees of Fahrenheit's thermometer.\* North of the 48th parallel, the climate is less dry, and the bases of the mountains are covered with wood ; but the temperature in most places is too cold for the production of any of the useful grains or garden vegetables." — pp. 27, 28.

This is bad enough, and Middle Oregon, according to the same authority, is but little better. Here, the rain never falls from April to November, and even during the remainder of the year, which is called the wet season, the rains are neither abundant nor frequent. It is impossible to form settlements, then, except upon the borders of the streams, which are not numerous, and the banks of which offer but few attractions in other respects to the emigrant. There are but few trees, chiefly sumach, cotton-wood, and other soft and useless woods. Fuel and building materials can be obtained only from a great distance up the north branch of the Columbia, or from the Pacific region, by few and difficult passes through the mountains. The soil is very unpromising, consisting, in the northern part, generally, of a yellow, sandy clay, covered only with grass and small shrubs. In the valleys farther south it is a little better, as there is more vegetable mould, and a few trees are found of the species above mentioned. Mr. Greenhow's conclusion is, "that little encouragement is offered for the cultivation of this part of Oregon," though cattle may be pastured to advantage, as grass is abundant.

We cannot wonder, then, that emigrants from the United States invariably pass through both the regions which we have described, and seek a home only in Western Oregon. West of the Cascade range is the only portion of this assumed *El Dorado* on the Pacific which can ever be inhabited except by hunters and their game. The extent of this

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\* "The thermometer was seen by Wyeth, at Fort Hall, on the Lewis, near the forty-third parallel of latitude, at the freezing point in the morning, and at ninety-two degrees of Fahrenheit in the middle of a day in August. Frosts occur at this place in nearly every month in the year."

more favored region is shown by a very simple calculation by our author.

"The Strait of Fuca, which bounds this region on the north, is in latitude of  $48\frac{1}{2}$  degrees; and, assuming the 42d parallel as the southern limit of the territory, its extreme length is  $6\frac{1}{2}$  degrees, or less than four hundred and fifty miles English. Its breadth—that is, the distance between the Pacific shore and the great chain of mountains which forms the eastern boundary of this region—does not average a hundred miles; and, by multiplying these two numbers, forty-five thousand square English miles appears as the superficial extent of the westernmost region of Oregon. It has, however, been gravely asserted and repeated on the floor of the Congress of the United States, that the valley of the Willamet, which is but an inconsiderable portion of this region, contains not less than *sixty thousand square miles of the finest land*; and many other assertions, equally extravagant, have been made, and are believed, respecting the vast extent of land in the country of the Columbia, *superior in quality to any in the United States*."—p. 26.

Western Oregon, then, is rather larger than the State of Pennsylvania, but it is much less fertile. Mr. Greenhow says, that only a small portion of it, "not exceeding an eighth, is fit for cultivation." We learn, further, that the country cannot be made very productive without artificial irrigation, which is practicable only in a few places. Very little rain falls from April to November, but it is violent and almost constant during the remaining months. Dr. White, who has recently returned to the United States from the valley of the Willamette, after a residence there of two or three years, states that it rains there constantly for three months out of the year. Indian corn, it is admitted, does not succeed in any part of Oregon, from the want of rain during the summer. The valley of the Willamette, a river which runs a little west of north, and empties into the Columbia, is far the most valuable part of this region for agricultural purposes; and here nearly all the emigrants from the United States have established themselves. According to Mr. Farnham, the habitable portion of this valley is about 150 miles long, and 60 broad. Wheat may be raised here to the extent of 20 or 30 bushels to the acre, and other grains and vegetables, though with some difficulty, owing to the constant droughts of summer. The winters, of course, are wet, stormy, and uncomfortable; though this valley be the Eden of Oregon, it is certainly a most cheerless place for a residence.

But whatever may be the climate and fertility of this part of Western Oregon, lying south of the Columbia, there is luckily but little dispute about the ownership of it. In all the negotiations upon the subject, Great Britain has constantly offered to cede to the United States the whole region south of the Columbia. North of this river, and south of the 49th parallel of latitude, which on four occasions, and by three several administrations, has been offered by this country as the northern limit of its possessions, lies the only territory really in dispute between the two powers. It comprises the northern and least valuable moiety both of Western and Middle Oregon. It is bounded on the south and east by the Columbia river, the mouth of which is in latitude  $46^{\circ} 19'$ , and on the west by the Straits of Juan de Fuca and the Pacific Ocean. By a rough estimate, it appears a little larger than the State of New York. To give an idea of its value for agricultural purposes, we shall merely string together a few extracts from the work of Mr. Farnham,\* a most earnest advocate of the instant assertion of our claim to the whole of Oregon, and from the report of Captain Wilkes, made after the examination of the country by the Exploring Expedition. Of the eastern half of this "disputed territory," which belongs to what we have designated as Middle Oregon, Mr. Farnham says : —

"It is a broken plain, partially covered with the short and bunch grasses, but so destitute of water that only a small portion of it can ever be depastured. The eastern and middle portions of it are destitute of timber,—a mere sunburnt waste. The northern part has a few wooded hills and streams, and prairie valleys. Among the lower hills of the President's Range [the Far-West mountains], too, there are considerable pine and fir forests, and rather extensive prairies, watered by small mountain streams. *But nine-tenths of the whole surface of this part of Oregon is a worthless desert.*" — *Travels*, p. 99.

Of the other half of this territory, belonging to Western Oregon, the same writer observes : —

"It is thickly covered with pines, cedars, and firs of extraordinary size ; and beneath these, with a growth of brush and brambles that defy the most vigorous foot to penetrate them. There are, indeed, along the banks of the Columbia strips of prairie va-

\* *Travels in the Great Western Prairies and the Oregon Territory.* By Thomas J. Farnham. New York. 1843.

rying from a few rods to 3 miles in width, and often several miles in length ; and even amidst the forests are found a few open spaces. The banks of the Cowelitz, too, are denuded of timber for 40 miles ; and around the Straits de Fuca and Puget's Sound are large tracts of open country. But the whole tract lying within the boundaries just defined is of little value except for its timber. The forests are so heavy and so matted with brambles, as to require the arm of a Hercules to clear a farm of 100 acres in an ordinary lifetime ; and the mass of timber is so great that an attempt to subdue it by girdling would result in the production of another forest before the ground could be disengaged of what was thus killed. The small prairies among the woods are covered with wild grasses, and are useful as pastures. The soil of these, like that of the timbered portions, is a vegetable mould, 8 or 10 inches in thickness, resting on a stratum of hard blue clay and gravel. The valley of the Cowelitz is poor—the soil, thin, loose, and much washed, can be used as pasture grounds for 30 miles up the stream. At about that distance some tracts of fine land occur. The prairies on the banks of the Columbia would be valuable land for agricultural purposes, if they were not generally overflowed by the freshets in June—the month of all the year when crops are most injured by such an occurrence. And it is impossible to dyke out the water ; for the soil rests upon an immense bed of gravel and quicksand, through which it will leach in spite of such obstructions." — p. 99.

We have room to copy only a few detached sentences from Capt. Wilkes's report :—

" There is no part on this coast where a settlement could be formed between Frazer's river, or  $49^{\circ}$  north, and the northern boundary of  $54^{\circ} 40'$  north, that would be able to supply its own wants. The interior of this portion of the territory is traversed by the three ranges of mountains, with the several rivers which take their rise in them, and is probably unequalled for its ruggedness, and, from all accounts, incapable of any thing like cultivation."

" The first section [Western Oregon], for the most part, is a well timbered country ; it is intersected with the spurs or offsets from the Cascade mountains, which render its surface much broken ; these are covered with a dense forest. It is well watered, and communication between the northern, southern, and middle parts is difficult, on account of the various rivers, spurs of mountains," &c.

Of Middle Oregon, he says, " From the great and frequent changes in its temperature, it is totally unfit for agriculture, but

is well supplied with game of all the kinds that are found in the country. The southern part of this section is destitute of timber or wood, unless the worm wood (*artemesia*) may be so called. To the northward of  $49^{\circ}$  it is covered with forests."

"The rivers of this territory afford no fertilizing properties to the soil, but on the contrary are destitute of all substances. The character of the great rivers is peculiar,—rapid and sunken much below the level of the country, with perpendicular banks. Indeed, they are, as it were, in trenches, it being extremely difficult to get at the water in many places, owing to the steep basaltic walls; and during the rise, they are in many places confined by *dalles*, which back the water some distance, submerging islands and tracts of low prairie, giving the appearance of extensive lakes."

"The country bordering the Columbia, above the Dalles, to the north and south of the river, is the poorest in the territory, and has no doubt led many to look upon the middle section as perfectly useless to man."

That the American settlers in the most promising part of Oregon can raise enough from the soil for the supply of their own wants is very certain; but it is impossible that they should ever become rich, owing to the want of a market. Of what use is it to raise more grain than they need for themselves, when they are separated from the United States by a desert two thousand miles broad, and from any other customers by thousands of leagues of ocean passage, to say nothing of the difficulty of reaching the seacoast, caused by the numerous falls and sandbanks which obstruct the navigation of the rivers? The mouth of the Columbia is closed by a bar which makes ingress and egress impossible for three fourths of the year, and very dangerous at any other period. When inside of the bar, vessels may ascend, though by an intricate and shifting channel, nearly to the foot of the Cascades, a distance of 120 miles from the Pacific; above this place, the river can be navigated only by batteaux, which must be frequently unloaded, and the lading carried over long and difficult portages. "Of the two great branches of the Columbia," says Mr. Greenhow, "and the streams which fall into them, scarcely any portion is navigable by the smallest vessels for more than thirty or forty miles continuously." The immediate neighbours of the settlers are too few or too poor to buy of them. During a season or two, they sold some wheat to the agents and factors of the Hudson's Bay Com-

pany ; but these persons, not more than seven hundred in number, are now supported by the produce of their own farms. The Californians are too poor to buy of them, even if they needed farther supplies ; and the Russians are too far to the north, and too moderate in their demands, to be profitable customers to a colony of any magnitude. Their isolated position not only makes it difficult for the colonists to sell their own products, but much enhances the cost of those necessities which must be imported. Cloths, groceries, and iron ware must be bought at extravagant prices.

A few extracts from Capt. Wilkes's Narrative will confirm these statements, and throw farther light upon the condition of the settlers in Oregon.

“ For some years previous to our arrival, the Hudson's Bay Company had not been able to meet their own wants, and at the same time fulfil their contracts with the Russians. They were therefore obliged to purchase from the settlers in the territory, as well as send to California, to procure the requisite quantity of agricultural products. A demand was consequently created for wheat, and all that could be raised in the Willamette settlements was bought for six shillings (75 cents) a bushel, and paid for in drafts on their stores in goods, at fifty per cent. advance on the first London cost. This gave an encouragement to the small farmers, that was fated to meet with grievous disappointment the next season ; for the Company was able not only to meet their engagements and their own wants, but had, besides, a surplus. The prices consequently would be merely nominal, unless raised by the influx of new settlers. Whether the latter cause had any effect in creating a market, I know not ; but I understand that in 1842 *some of the settlers fed their horses upon their finest wheat.*”

— *Narrative*, Vol. iv., p. 308.

During Wilkes's stay at Vancouver, he met three out of a party of eight young Americans, who wished to leave the country, but could do so only by building a vessel for themselves ; and they were actually engaged at this task on an island in the Willamette. One of their causes of dissatisfaction was, that there were no young women in the colony to marry, except squaws or half-breeds. Wilkes afterwards visited them at their ship-yard on the island.

“ On landing, we were introduced to them all. They had reached the Oregon country by crossing the Rocky mountains a year before, and worked on the Willamette, where they first proposed to settle themselves ; but they found that that was out of

the question, as there was little or no prospect of their being contented, and they were now bent upon leaving the country at all hazards. Every one with whom I spoke gave them a good character, except one, and I found that, shortly after my visit, he had been turned out of the partnership. The vessel they were building was a small schooner. One of their number having served a short time in a ship-yard in the United States, the rest were employed as his assistants, cutting timber and preparing the plank, which they procured from the cedar on the banks of the river.

“ I tried to dissuade these young men from making their voyage ; for I found, on conversing with them, that not one of them knew any thing about the sailing of a vessel or navigation. I therefore knew how great dangers they would experience on the voyage even to California, whither they intended to go, with the intention of taking sea-otter by the way on the coast of Oregon. After their arrival at San Francisco, it was their plan to sell their vessel and cargo, if they were fortunate enough to obtain any, or if not, to go down the coast further, when they would cross over the country, and return by the way of Mexico or Texas.” — *Ib.* p. 342.

Speaking of the Willamette valley, Wilkes observes, — “ There is one objection to its ever becoming a large settlement, in consequence of the interruption of the navigation of its rivers in the dry season, which renders it difficult to get to a market, as well as to receive supplies.” We add one other extract from his observations while in this region.

“ The next farm I stopped at was that of Mr. Walker, who came from Missouri, with all his family, last year ; he did not like the country, and wished to go to California by the first opportunity. His principal objection, he told me, was to the climate, which was too wet for business. He said that the land was good, but only for crops of small grain, which there is no market for, nor is there a probability of one for some time. Indian corn cannot be raised ; it was, however, a first-rate grazing country. He was a good specimen of a borderman, and appeared to think nothing of a change of domicile, although he is much past the middle age, with grown up sons and daughters around him. He intended to go to California, and if the country did not please him, he would travel home by way of Mexico. His family consisted of eight or ten persons.” — *Ib.* p. 362.

The information which we have here attempted to bring together may be very briefly summed up. Of the whole territory of Oregon, there is but one district, and that not much

larger than Pennsylvania, which is habitable except by hunters and Indians, and not more than an eighth part even of this district is arable land. The region actually in dispute contains at the utmost but one half of this improvable ground, and in addition to it an arid and rugged waste on which any considerable colonization is impossible. Parched with drought for nearly three fourths of the year, and drenched with rains for the remainder of the time, the soil and climate alike must baffle what experience the farmer may have gained in more favored regions, and prove a sore trial to any constitutions not inured to such peculiar seasons. Isolated in position, with almost insurmountable obstacles to internal communication, the merchant can expect as little from the country as the agriculturist. In fine, it is hardly too much to say, that what Siberia is to Russia, Oregon is to the United States. The road thither is equally long and wearisome, and even less cheered by the sight of human habitations, though in the one case it is trodden only by the free backwoodsman and the sturdy emigrant, and in the other by the condemned exile who "drags at each remove a lengthening chain." The winter on the Columbia, indeed, is not of such iron severity as in the north of Asia, but the accounts would lead us to suppose that it is almost equally cheerless. Magnificent improvements in Oregon are vaguely talked of ; but the projects are such as befit the excited imaginations of men who leave comfortable homes for such distant and dreary wilds. The India and China trade, it is thought, may be made to take this direction ; and so it may, when one crackbrained projector's favorite scheme shall be accomplished, and a railroad completed, two thousand miles long, over sterile plains and rugged mountains. As yet, the wayfarer on that dreary path can hardly convey enough with him for his own sustenance. Out of the last caravan of whose arrival in Oregon we have notice, seven persons died of hardships on the way. The rest were permitted to enter that promised land, from which, as we have seen, some of the disappointed emigrants were flitting three years ago to such refuge as a Mexican government was likely to afford them.

We would not exaggerate the unfavorable aspect of the Oregon territory, nor deny the possibility of its becoming, at some future day, the seat of a flourishing colony, if not of a populous and independent state. But the founders of it

will deserve in no ordinary measure the gratitude of their posterity ; the days of ease and plenty will assuredly find them in their graves. Anglo-Saxon enterprise can accomplish any thing, and its especial vocation seems to lie in subduing the wilderness. Our fathers were not appalled by the grim aspect of the rock and ice-bound shores of New England, nor by its meagre soil and rugged surface. But they were sustained by other and higher motives than a mere love of roaming, or a backwoodsman's pining for the wilderness. Impelled by conscience and a sense of religious obligation, they sought a region which they would otherwise gladly have left to its original possessors. Had their motives been less pure and elevated, their success might have been less signal. As it was, their grain of mustard-seed shot up into a lofty tree, while the gold-hunting colonists of the more favored South perished of starvation. Above all, they counted the cost like prudent men, and braved only those hardships and dangers which they had foreseen and were prepared for. In what respects the modern settlers of Oregon have followed their example, we leave others to determine, and to draw thence, if they can, an augury of good, wherewith to cheer an enterprise certainly surrounded with no unequal measure of suffering and privation. The marvellous rapidity and ease with which the colonization of the great Mississippi valley has been effected, though held by many to foreshadow the history of future states upon the Pacific, certainly afford no true ground of encouragement, as the parallel between the two cases entirely fails. Nature has been as lavish of her bounties to our great western valley as she is niggardly to the region drained by the Columbia and its branches.

The truth is, the extravagant notions entertained of Oregon have been nourished by the very cause which should have made men suspicious of all stories respecting it, and have entirely checked the tide of emigration that is now flowing thither. We mean the dispute respecting the ownership of the territory. Politicians and diplomatists, to make their services appear more meritorious, have striven to put a higher value upon the title they were defending. But for this reason, we should have heard little about the fertility of Oregon, the beauty of its climate, the ease of communicating with it, or its importance for commercial purposes. The statesman's shortest and surest road to popularity nowadays consists in

an affected zeal and watchfulness for the interests of our country in its foreign relations. There is no risk here of offending one portion of the sovereign people while seeking to please another. There is no divergence, no contrariety, of interests here to care for ; if but few are directly interested in the prosecution of a claim against France or England, none are injured by it. The good-will that is thus conciliated is all clear gain. Not one in ten thousand of our vast population would be immediately affected by the successful assertion of our claim to the whole of Oregon. To the vast majority of our people the matter is one of perfect indifference, except so far as it is linked with the interests of a party. But to this party it is of vital importance. Hence the warmth and jealousy of each other which politicians manifest in combating the pretensions of a foreign power. One party makes a merit of having secured so much territory by a successful negotiation, as in the case of the Ashburton treaty ; and the other party imputes to it as a fault that it did not obtain more. Lord Palmerston attacks Sir Robert Peel because Great Britain surrendered so much by that treaty ; Mr. Benton attacks Mr. Webster because the United States surrendered so much. Both charges cannot be true ; but that is of no importance. If similar attacks were not foreseen, the question about Oregon might be settled to-morrow. If the two countries are finally plunged into a war respecting it, it will not be because the bulk of the English or the American people care a straw about the land ; but because the dominant party on both sides of the Atlantic wishes to preserve its ascendancy over its opponents. In its inception and fundamental character, it will be, as usual, a war not between two nations, but between two political parties.

We have shown one reason why the value of Oregon has been so ludicrously overestimated. Others may be mentioned, in which the interests of a few individuals are more directly concerned. The Hudson's Bay Company wish to preserve their lucrative traffic on the Pacific ; by defending their country's title to the territory, they defend their own, and of course they will not permit Great Britain to suffer from ignorance of the value of the land, its importance to her commercial interests, or the excellence of her title to it. On the other hand, the American fur-traders, acting as individuals, and finding that they cannot compete with the

great capital and prudent and concerted action of this English company, would very willingly see it driven entirely off the ground. Of course, they maintain that the American title is indisputable, and that compromise or concession must not be thought of. To allow the English a footing anywhere upon the territory would be still to allow a competition against which they have no chance ; they might as well allow them the whole. A right to navigate the whole of the Columbia has repeatedly been offered to the Americans ; but this is not enough ; they must exclude the English from this navigation, so that the company cannot get its furs to market, and may thus be driven entirely from the field. Here is the real bone of contention, and not the value of the land lying between the Columbia and the 49th parallel. The right to navigate this river and the preservation of a few posts on its right bank are essential to the very existence of this company on the Pacific. To surrender these would be to give up all, for they would be immediately compelled to abandon the whole. They occupy the ground now only for the sake of the fur trade ; not one English emigrant has gone there, or is likely to go there, to make a permanent home. If they could not get their furs to market by the river, they would not care if the whole of Oregon were immediately ceded to the United States. Any offer of compromise, then, which goes to exclude them from the river and from a few necessary stations on its bank, is sure to be instantly rejected.

The American settlers in Oregon, as well as the fur-traders, have their peculiar reasons for claiming the whole territory. If the English are entirely driven out, some well selected stations must be abandoned, and the improved fields, of course, must fall to the first claimant. The English residents do not profess to be land-owners, but mere occupants, or tenants for a time ; if dispossessed, on the ground of their sovereign's defect of title, these lands, the most valuable in the territory, must revert to the United States, and come under the operation of our bounty acts and preëmption laws. Some good locations may be chosen among them. Such motives and conduct may appear but indifferently honest ; but it is the law of the backwoods, and both English and American emigrants invariably act upon it. In colonizing a wilderness,—at the antipodes of the civilized world, it may be,—there is no difficulty about land-titles ; the first occupant is the

owner, unless the government at home fails to maintain his right to come there at all ; in which case, his farm must go to the first claimant from the rival nation, and he must look to his own sovereign for an indemnity. Besides, the American settlers would fain have a monopoly in the sale of agricultural products ; the market being necessarily very small, they think there is the more reason that they should have the whole of it. Here, as in the case of the fur-trade, it is found that English competition is too powerful for them. Their object, of course, is to get rid of it entirely, which can be done only by claiming the *whole* of Oregon.

A memorial from the American inhabitants of this territory, presented to Congress a few weeks since, places in a clear light the disadvantages of their position, and the impossibility of maintaining themselves there except by aid from our government against both the hostilities of the Indians and the powerful rivalry of the Company. Considering the numerous causes of dispute and collision between the subjects of the two nations in this remote region, it is very honorable to them both that they hold the following language : — “ We, the citizens of the United States, have had no cause to complain either of exactions or oppression at the hands of the subjects of Great Britain ; on the contrary, it is but just to say that their conduct towards us has been most friendly, liberal, and philanthropic.” A short extract from this memorial will confirm many of our previous statements.

“ Your memorialists would further call the attention of your honorable body to the fact, that, as citizens of the United States, we labor under the greatest commercial disadvantages ; we have neither ships of war, nor of commerce, nor any navigation of the rivers of the interior, and for want of adequate protection, no private capitalist among us can establish a successful competition with a wealthy and powerful monopoly, possessing all the appliances of commerce, and all the influence over the natives by an early establishment among them. We are therefore dependent for a market for a large and increasing surplus, and for nearly all our supplies, upon a single company, which holds the market under its control.”

Since 1818, Oregon has been held under a convention, avowedly temporary in its nature, which provides that the whole country, with its rivers, bays, and harbours, shall remain free and open to the vessels and subjects of both powers,

without prejudice to the claims of either to the entire and exclusive sovereignty of the territory. Had it not been for the absurdly exaggerated statements of its value, to which the circumstances that we have mentioned have given currency in this country, the land might have remained under this treaty of joint occupancy for a century to come. Offering some facilities for trade in fur and fish, but hardly any for permanent settlement, both nations might have made free use of it for traffic, in open and manly competition with each other, and have left the land to its only proper owners, a few thousand miserably degraded Indians, who derive a wretched subsistence from it. But the evil is now done ; these false reports, disseminated for political purposes, or to answer the private ends of a few persons, have caused an American colony to be established there, and the dominant party in the United States is so deeply pledged to support it by claiming the whole territory for its use, that a compromise seems hardly practicable. On the other hand, Great Britain is bound in honor not to recede so far as to sacrifice the interests of her subjects in that region. *The faith of the government is pledged to support the Hudson's Bay Company in its present location.* That company is established in Oregon, relying on its charter from the crown, and on the Nootka convention which England wrested from Spain in 1790 by an expensive armament and a threat of instant war. We have seen that the navigation of the Columbia and a position on its right bank are essential to the very existence of the company on the Pacific ; thus much, therefore, the government cannot grant away. In the able and temperate letter of the British negotiator, Mr. Pakenham, to our Secretary of State, dated September 12, 1844, it is very distinctly intimated that England cares not for the ownership of the territory in dispute, — she is too wise for that, — but is compelled to regard her public faith as pledged to the maintenance of the company in its present position.

“ It must be obvious to every impartial investigator of the subject, that, *in adhering to the line of the Columbia, Great Britain is not influenced by motives of ambition with reference to extent of territory, but by considerations of utility, not to say necessity, which cannot be lost sight of, and for which allowance ought to be made, in an arrangement professing to be based on considerations of mutual convenience and advantage.*”

In conformity with this view of the case, the leaders of the two great parties in England, Lord John Russell and Sir Robert Peel, have formally declared in Parliament, that Great Britain has rights in Oregon which must be maintained at all hazards ; and this declaration has been supported with the greatest unanimity by the voice of parliament and the public press. If the United States, then, insist upon the whole of their claim, war is inevitable. Nor is the danger very remote ; it is at hand, even at our doors. Congress will probably pass a law at the present session for establishing a territorial government in Oregon, and giving the stipulated year's notice of the expiration of the convention for joint occupancy. At the end of this year, even if neither power should be mad enough to anticipate the issue, collision between their respective tribunals in the territory, if not directly between the people, is inevitable ; and this, multiplying the causes of dispute and exasperating the parties, must be followed by war. By a regard for the peace of the world, then, and for the vital interests of the millions of people whose welfare is solemnly committed by God to their charge, the two governments are earnestly invited to instant action and the exercise of magnanimity in settling the dispute.

It may seem idle to discuss the merits of their respective titles, when it is evident that the parties *cannot* recede. It is useless to stand fencing with arguments, when every body can see that the affair must ultimately be decided by considerations of a totally different character. We have been arguing the question for thirty years, and stand precisely where we did when the discussion commenced. The resources of logic, then, are exhausted, even if it were possible that logic should ever settle a national dispute. We confess, that all the recent negotiations about Oregon seem to us very much like a solemn mummery. A series of well known facts, musty inferences, and venerable arguments are gravely adduced on both sides ; each party repeats its conviction that it is entirely in the right, and its opponent is entirely wrong ; reciprocal propositions for compromise, which had been made and rejected several times before, are again made and rejected ; and the plenipotentiaries — so called because nothing is left to their power or discretion — then separate, repeating to each other “ the assurances of their distinguished consideration,” and leaving the matter precisely

where it was before. Such conduct may be very proper for diplomatists, but it would be called very silly for children. We shall try not to retread this beaten ground, but merely to show that both titles are necessarily imperfect, owing to the entire indefiniteness of all the principles of international law which are applicable to the subject, and to the contradictory character of the historical precedents which are adduced ; and that this position would hold, even if all the assumed facts, many of which are disputed, were indubitable.

To prevent misapprehension, we may as well repeat here the opinion that has often been expressed, and, as we think, proved, in our pages, that the United States title, though imperfect, is the better of the two. In fact, Great Britain has admitted by implication as much as this ; for, while this country asserts its exclusive ownership of Oregon, she has expressly, in several official communications, limited her claim to a right of *joint occupancy* of the territory with the United States, leaving the question of *absolute dominion* in abeyance. Thus, in the statement made by Messrs. Huskisson and Addington, the British plenipotentiaries, to Mr. Gallatin, in 1827, it is said : — “ Great Britain claims no exclusive sovereignty over any portion of the territory on the Pacific between the forty-second and the forty-ninth parallels of latitude ; her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy in common with other states, leaving the right of exclusive dominion in abeyance, and her pretensions tend to the mere maintenance of her own rights in resistance to the exclusive character of the pretensions of the United States.” Similar language was held in Mr. Pakenham’s letter to Mr. Calhoun in September, 1844. This right of joint occupancy of the whole she is willing to exchange for an absolute title to a part. Her position, therefore, is a defensive one with regard to the United States ; she claims no more than what she now possesses, and has enjoyed ever since 1818, though by express agreement this possession is not to be construed in derogation of our claim. The only definition or restriction of this right of “ joint occupancy ” (except by the convention of 1818, which may be terminated at a year’s notice) is to be sought for in the treaty on which the right itself is founded, namely, the convention with Spain in 1790, according to which, so far as we can see, the United States

may go on forming settlements, and colonizing the whole of Oregon, except "the places already occupied" by the British. At present, this occupation cannot be construed to extend beyond a few forts and stations, and the cultivated fields in their immediate vicinity. If the whole of her claim were admitted, then, she would retain these, together with a right of navigating the rivers, frequenting the harbours, and having free access to all our settlements. On the other hand, our position is an offensive one. Supposing the convention of 1818 terminated after due notice, the only question would be, not whether we could retain the land now held by our emigrants, or whether we could continue forming settlements in any part of the territory that we liked ; for to do both these things would be our undisputed privilege ; but whether we should go to war for the sake of driving the English out of the very slight hold which they now have upon Oregon. The United States might even organize a territorial government, and protect its colony by the presence of troops against the Indians, without trenching upon the assumed rights of the English. Whether it would be prudent to leave these isolated British posts in the midst of the American colony with its increased numbers is another question.

The positive side of the British title may be very quickly discussed ; it rests entirely on the Nootka convention of 1790. Up to that period, England and Spain were the only powers that had any claims to the possession of the North Pacific coast. The conflict of their respective claims was put at rest by the convention which Spain was bullied into making in this year, by the threat of a war which she was not prepared for. While England by this instrument limited the rights of her opponent in the territory, she also restricted her own. It was stipulated, that "the respective subjects of the contracting parties should not be molested in navigating or carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas, *in places not already occupied*, for the purpose of carrying on their commerce with the natives of the country, *or of making settlements there.*" It was further stipulated, that, whatever settlements might be made there by either nation, the subjects of the other power should have "free access" to them. By this treaty, both Spain and England consented to forego all their previous claims and rights, — founded on alleged

prior discoveries, contiguity of territory, or any other basis, — for the sake of this mutual guaranty of joint occupation. All antecedent pretensions were merged in this treaty, and it is mere impertinence or irrelevancy in either party to go behind it for the purpose of inquiring what previous acts or circumstances empowered them to make it, or whether its provisions ought to have been more liberal or more stringent on their side. The bargain may have been a hard one, — it certainly was, in one sense, for Spain, as we have said, was bullied into making it ; but it was still a bargain, concluded under hand and seal, and neither party had a right to retract. England in future could assert a right only of joint occupancy, not of exclusive dominion or ownership. Spain in future, or any country claiming under Spain, could assert only an equal right. As no other power then laid any claim to the territory, or protested against this mode of dividing it, their respective rights, thus limited and defined, were good against the world.

This is the whole positive side of Great Britain's pretensions to Oregon ; the negative side consists in a refutation of the counter pretensions of the United States. By the Florida treaty of 1818, Spain made over all her right to the Pacific coast north of latitude  $42^{\circ}$ , whatever it might be, to the United States. Of course, she could not cede more than she possessed ; she ceded it loaded with all the treaty stipulations and restrictions which she had made respecting it while it was in her possession. She did not *warrant* the goods sold ; the purchaser took them for better or worse. Was Oregon, in 1818, still subject to the Nootka Convention of 1790 ? England maintains that it was, that the treaty was perpetual, that, as no limitation of time is mentioned in it, or even hinted at, it was to last for ever. The United States say that it was not, that Spain and England went to war with each other in 1796, and as war annuls all treaties, that the Nootka convention then ceased. Of course, it ceased during the actual conflict, *flagrante bello* ; but did it not revive again of itself when peace was made, whether mentioned in the treaty of peace or not ? Here is the real point ; here issue is joined, and the question can be decided only by an appeal to international law and historical precedents. We believe that these leave the question still indeterminate, agreements of a certain character necessarily

lapsing after a war, while others are revived by a peace, though there be no express mention of them. In the treaty of Ghent in 1814, it was not thought necessary to revive and enact over again all the provisions of the treaty of 1783. Many of these, of their own force, returned to the *status ante bellum*. On the other hand, the specific enumeration, in many treaties of peace, of certain articles and stipulations contained in former treaties which are to be revived by the action of the later convention, is a strong implication that the articles not enumerated are to be considered as dropped, or destroyed by the war. Certain fishing rights were secured to us by the treaty of 1783, which the English held to be annulled by the war of 1812, while the American negotiators maintained that they revived on the conclusion of the treaty of Ghent. In this case the two parties are found in a reversed position with respect to each other, each asserting doctrines directly opposed to what they now hold respecting the Nootka convention. Here, then, on a capital point in the title of either party, we find a doubt resting which cannot be removed. This is fatal to the assertion of a perfect title on either side.

It is also held, that the United States derive a claim from France, founded on the purchase of Louisiana from that power in 1803. The unquestioned possession of a territory extending to the eastern base of the Rocky mountains affords some title, it is thought, by contiguity at least, to the ownership of Oregon on the western side. To this it is replied, first, that France never pretended that Louisiana reached beyond the Rocky mountains ; and secondly, that the same remark applies to this title which has just been made upon the title obtained from Spain ; it is covered by the Nootka convention. France ceded Louisiana to Spain in 1762 ; and it was as the owner not only of California, but of Louisiana, that Spain signed a convention in 1790, which admitted the British to a right of joint occupancy of Oregon. Spain ceded Louisiana back to France in 1802, but not in such a perfect condition as it was when she received it. She returned it burdened with the treaty stipulations which she had made while it was in her hands. And it was with this incumbrance upon it that the United States purchased Louisiana in the following year.

Having considered two branches of the argument in favor

of our pretensions to the whole of Oregon, — namely, the rights obtained by purchase from Spain and France, — we now come to the third and only remaining one, which is founded on the proceedings and discoveries of our own citizens. And here one remark is necessary respecting the effect of thus accumulating several distinct titles in the hands of one claimant. Some maintain, that these independent claims, being inconsistent one with another, when united, destroy each other, and leave the claimant who has brought them together without any firm title. Others say, that they mutually confirm and strengthen each other, and in case of a division of the land, entitle the party owning them to as many distinct shares as it possesses claims ; that is, that the United States in their own right, and in that of France and of Spain, ought to have three fourths of the territory, while Great Britain, resting only on its own pretensions, can demand but one fourth. Neither position is correct. The United States, by purchasing the French and Spanish titles, gain an advantage, though it is one only of a negative character, by lessening the number of competitors ; the agency of Frenchmen or Spaniards in discovering or settling Oregon, or acquiring possessions bordering upon it, cannot be adduced to weaken our claim, though it may be urged against the pretensions of the English. On the other hand, this union of claims does not directly strengthen our title, for, if either of them be assumed to be well founded, our own proper claim disappears entirely ; and conversely, if the claim in our own right be good, the French and Spanish titles are of no worth. We cannot pile these pretensions one upon another ; their force is not cumulative, but disjunctive. If Spain actually surveyed the coast of Oregon and discovered the mouth of the Columbia in 1775, then Captain Gray in 1792, and Lewis and Clarke in 1805, were only intruders ; and on the other hand, if the discoveries of Gray, Lewis, and Clarke make out a perfect right, if their explorations, in fact, can be called *discoveries*, then Oregon was vacant and unappropriated, — a mere *terra incognita*, open to the first comer, — down to 1792, and the antecedent claims of France and Spain are mere nonentities. We may, it is true, elect the strongest out of the three claims, and rest the whole of our title upon that, reserving the other two to be urged against the English, and thereby may weaken or break down their claim, though without demonstrating our own.

And this has been the course pursued by the most sagacious of the American statesmen, — not by all of them, — in the several negotiations upon the subject. They have put in the front the discovery by Gray in 1792, the exploration by Lewis and Clarke in 1805, and the establishment at Astoria in 1811 ; and by so doing they have admitted, that the French and Spanish titles were invalid or doubtful. This admission, coupled with the force of the Nootka convention, on which we have already commented, leaves no doubt that the American claim, so far as it rests on the purchase of Louisiana from France, or on the Florida treaty with Spain, is imperfect. And this, the reader should observe, is the only point we are now seeking to establish. We do not attempt to discuss the English claim, nor even to *prove* the opinion already expressed, that the American title is the better of the two. We would show only that this title at the best is imperfect, that it does not empower us peremptorily to demand the whole of Oregon, and the assertion that it is “clear and unquestionable” is an empty vaunt, a mere rhetorical flourish. In order to make out our point, it only remains to examine the rights created by the American discoverers and explorers.

Captain Cook explored the coast of Oregon, though imperfectly, in 1778 ; Meares, a lieutenant in the English navy, formed a trading establishment at Nootka Sound, in latitude  $49^{\circ}$ , in 1788, and examined the coast for a considerable distance quite narrowly in a vain attempt to find the great river ; Vancouver surveyed the whole coast very accurately in the years 1792 – 4, a considerable portion of the survey being completed before Gray entered the Columbia. It is now admitted on all hands, that Captain Gray, in May, 1792, was the first to *enter* the mouth of the river, — Heceta *saw* the mouth in 1775, and entered it as the opening of a river on a map, — that Gray sailed twelve miles up the stream, and gave to it the name of his ship which it has ever since retained. On information received from him, Vancouver immediately sent his lieutenant up the river, who explored it for nearly a hundred miles further. Now the whole question is, whether this discovery of the mouth of the Columbia gives a good title to the whole region drained by it, in spite of the antecedent explorations of the whole coast of that region. We must confess a strong doubt whether it does. The mouth of

a river is but one point on a coast, though a pretty important point, especially if the river be large ; but the previous accurate determination of a dozen other points on the coast may be of at least equal importance. Before Gray entered the Columbia, the whole Pacific shore, from the Spanish settlements to a point far beyond the present northern limit of Oregon, was, so to speak, *familiarly known* both to Spanish and English navigators. There was even a current report, probably derived from Heceta's voyage, that a great river opened to the sea in that vicinity, and Meares had gone in search of it ; but the breakers on the dangerous bar at its mouth made him think that the coast was continuous, and he could not find it. Gray was more lucky ; he found the opening, and got in over the bar, though he had hard work to get out again. Under these circumstances, we can hardly say that he made a perfectly independent and peculiar discovery, which was worth more than all that his predecessors had accomplished.

Nor is the principle itself by any means established in international law, that the discovery of a river takes rank over all previous discoveries on the seacoast. Historical precedents are rather against it. Hudson, in the service of the Dutch, discovered the river which bears his name, in 1609, and sailed far up the stream ; but the claim of his employers was not allowed to hold against the title created for the English by Cabot, who explored the whole seacoast nearly a century before. The Dutch dominion was forcibly put down, and New Amsterdam was changed into New York. Again, France discovered the mouth of the Mississippi, and her subjects were the first to sail down the whole length of that mighty stream. But she made good her title only to a small tract on the east side of the river ; while the English, by the right of contiguity alone, carried back their settlements upon the whole remaining portion of the left bank. The people of the United States, surely, are the last persons who ought to complain that the matter was thus adjusted. Park explored the Niger, and Lander discovered its mouth ; but England has not yet laid claim to Timbuctoo. In fine, we cannot recollect a single instance in which the discovery of a river was held to be a more solid basis of a title to a territory than the discovery of its coast. The precedents are all the other way.

The expedition of Lewis and Clarke is of no substantive importance in creating a title to Oregon. It may assist or confirm antecedent pretensions founded on discovery or settlement, because it indicated a purpose of taking possession of the land ; but in itself it was no act of discovery or settlement. Captain Fremont is now absent on a journey to the hitherto unexplored wastes in the interior of California ; his party travel by the authority and at the expense of the United States, as did Lewis and Clarke, and we anticipate that science will profit as much by this expedition as by the former one ; but surely this exploration was not planned by our government in order to create a title to California. Besides, if the expedition in 1805 gave us a right to the region drained by the upper branches of the Columbia, then we must admit the pretensions of the British, founded on Vancouver and Broughton's exploration in 1792, to both banks of the river from the point where Gray's ship stopped to another point near the foot of the Cascades ; for Broughton's boat was certainly the first that carried white men over this portion of the stream. A division made on this principle would give England what is unquestionably the most fertile and valuable portion of Oregon.

Again, in 1793, Mackenzie, a British subject, coming from the north, passed down a considerable portion of Fraser's river, which opens into the straits of Juan de Fuca, in latitude  $49^{\circ}$ , and then, striking off to the west, reached the seacoast near the mouth of a river in latitude  $52^{\circ}$ . He was the first white man who explored this region, or passed down this river ; how, then, can the United States consistently deny the British claim to the region drained by Fraser's river, or, at any rate, to that portion of it lying north of  $52^{\circ}$  ? The northernmost branch of the Columbia does not extend above  $52^{\circ}$  ; it is doubtful even whether it reaches so far. It is evident, then, that the discovery of Gray, and the expedition of Lewis and Clarke, give us no claim to the region between  $52^{\circ}$  and  $54^{\circ} 40'$ . In the negotiation of 1824, our minister, Mr. Rush, *expressly admitted* even more than this to the British negotiators. In his official report of the negotiation, addressed to our Secretary of State, on the 12th of August, 1824, giving the language which he used in the conference, Mr. Rush says : — “ I added that the *United States* did not desire to interfere with the actual settlements of other

*nations* on the northwest coast of America, and that, *in regard to those which Great Britain might have formed above the 51st degree of latitude, they would remain*, with all such rights of trade with the natives, and rights of fishery, as those settlements had enjoyed hitherto.” The claim of our present administration, then, to the whole of Oregon, extending up to  $54^{\circ} 40'$ , is contradicted by the direct admission of our own government.

The settlement of Astoria will not detain us long. It was a mere trading establishment, formed for purposes of commerce, and not as a permanent abode for men, or as the commencement of a colony. Mr. Forsyth, in a report to Congress, in 1838, calls it “a trading establishment,” and it has always been thus denominated. Now Mr. Gallatin, in the Oregon negotiation in 1827, not only admitted, but labored with great earnestness to prove, that mere factories established for the purpose of traffic, and not followed by actual cultivation, give no title. The whole basis of his argument is, that only actual colonies imply exclusive sovereignty. The British formed a trading establishment at Nootka Sound in 1788 ; Lieutenant Meares erected a house there, cleared out a shipyard, and built a vessel, — quite as much as was done at Astoria. The Spaniards captured the place the next year ; but its restoration was stipulated in the Nootka convention, and it was restored to Vancouver in 1792, though it was immediately abandoned. Thus its history affords a curious parallel in every respect to that of Mr. Astor’s establishment. To dwell upon the settlement of Astoria, then, would be fatal to our claim, for it would be an admission that England had a good title to the whole region around Nootka Sound, in latitude  $49^{\circ}$ , four years before Gray entered Columbia river.

We have but one other remark to make upon this subject, but it is applicable to all the grounds upon which the American claim to Oregon is supported. A disputed title, whether it rests on discovery, settlement, or contiguity, is entirely indefinite in respect to the limits of the country claimed. If the subject of dispute be an island, indeed, of moderate magnitude, then discovery or settlement of any portion of it constitutes a good title to the whole. But when the land in question is only a small part of a vast continent, it is impossible to tell where the title ends. Discoveries and settlements are

usually made on the seacoast ; how far do they extend inland ? Not, surely, over the whole breadth of the continent. England, indeed, tried to establish this doctrine for the benefit of her colonies on the eastern coast of North America ; but she was obliged to abandon it, and to limit them on the west by the Mississippi river ; and the principle has been generally abandoned. If we now attempt to enforce it, we must in consistency demand a belt of country, between  $49^{\circ}$  and  $54^{\circ} 40'$ , extending east of the Rocky mountains, through the heart of the British possessions, to the Atlantic Ocean. This may seem extravagant ; but it is on this principle that our whole claim to Oregon rests, so far as it is derived from the possession of Louisiana. And the principle may be turned against us ; if Louisiana gives us a title to the Pacific coast south of  $49^{\circ}$ , the Hudson's Bay possessions give England a title to the same coast north of that parallel.

Does our claim, then, cover the whole region drained by the Columbia and its tributaries ? But this is not the whole of Oregon ; a considerable portion of the territory discharges its waters directly into the ocean through the Klamet, the Umpqua, the Chickees, and the Salmon, or into the straits of Juan de Fuca by Fraser's river. And to the region thus drained, which includes much of the most valuable land in Oregon, the discovery of Gray, the expedition of Lewis and Clarke, and the settlement of Astoria afford us not the shadow of a title.

But enough of this dry discussion of claims, which has been drawn out much longer than we had intended. We have not sought to disprove the American title to Oregon, but only to show that it is necessarily qualified, indeterminate, and imperfect ; and this has been proved so conclusively, that any statesman who shall hereafter declare that this title is perfect and unquestionable will afford good reason to doubt either his soundness of mind or his honesty. That the United States have rights in Oregon, equal in every respect to the British rights, is known by the full and explicit admission of England herself ; and thus we have all the needed ground for a compromise, and an equitable division of the territory. Messrs. Huskisson and Addington, in their official statement, made in 1827, which we have already quoted, hold the following language : —

“ The rights of Great Britain are recorded and defined in the convention of 1790 ; they embrace the right to navigate the wa-

ters of those countries, to settle in and over any part of them, and to trade with the inhabitants and occupiers of the same. These rights have been peaceably exercised ever since the date of that convention ; that is, for a period of nearly forty years. Under that convention, valuable British interests have grown up in those countries. *It is admitted that the United States possess the same rights*, although they have been exercised by them only in a single instance, and have not, since the year 1813, been exercised at all ; but beyond these rights they possess none."

Great Britain, as we have said, now offers to exchange her partial title to the whole for an exclusive title to a part, and only the terms of the division remain to be adjusted. The olive-branch is held out ; it remains to be seen whether we will reject it, and prefer war. To one who has not studied with some attention the records of our race, so as to be aware into what acts of folly and wickedness a country may be plunged by the ambitious and self-seeking spirit of its politicians, acting on the inflammable passions of a mob, it may seem utterly unworthy of belief, that two great nations should go to war with each other about such worthless possessions. He will say, with England's great moralist, that " to charge any men with such madness approaches to an accusation defeated by its own incredibility." But let him open the pages of history, and learn to do more justice to the extent of human foolishness. Twice in the latter half of the last century was England on the very brink of a war with Spain, once about this very Oregon, and once about a cluster of frightfully bleak and barren islands, that still remain unoccupied, somewhere in the neighbourhood of the south pole. Each time, Spain, learning wisdom from its weakness, shrank from the contest ; and England, having expended millions on an armament, and thus vindicated the national honor, quitted her threatening attitude, and rested on her laurels, in both instances leaving the disputed title just as much in doubt as ever. If the United States do not cheat her out of the opportunity, she is capable of acting quite as foolishly once again, and even of adding to the absurdity by actually commencing a war as destructive of her own interests as of those of her antagonist. She is pledged to do so, by the public faith granted to the Hudson's Bay Company, and by the solemn declarations of her ministers in parliament. We have no heart to estimate the nature and probable consequences of a

war begun with such motives, and prosecuted with all the bitterness and pertinacity which have characterized our former contests with England.

On the affair of the Falkland islands, to which we have here alluded, Dr. Johnson wrote a pamphlet in 1771, when the public excitement on the subject was at its height ; and as many of his ponderous and majestic sentences are literally applicable to the present emergency, we will place a few of them before our readers, leaving it for them to judge whether they more aptly describe the conduct of Great Britain or of the United States. And, first, we will give his computation of the profit which England derived from thus pushing the affair to extremities.

“ We have, by obtaining a disavowal of Buccarelli’s expedition, and a restitution of our settlement, maintained the honor of the crown, and the superiority of our influence. Beyond this what have we acquired ? What, but a bleak and gloomy solitude, an island thrown aside from human use, stormy in winter, and barren in summer ; an island which not the southern savages have dignified with habitation ; where a garrison must be kept in a state that contemplates with envy the exiles of Siberia ; of which the expense will be perpetual, and the use only occasional ; and which, if fortune smile upon our labors, may become a nest of smugglers in peace, and in war the refuge of future Bucaniers. To all this the government has now given ample attestation, for the island has been since abandoned, and perhaps was kept only to quiet clamors, with an intention, not then wholly concealed, of quitting it in a short time. This is the country of which we have now possession, and of which a numerous party pretends to wish that we had murdered thousands for the titular sovereignty.”

The Doctor, it will be seen, is arguing against a party in his own country who were loud in their denunciations of the ministry for accepting so little from Spain, instead of bravely demanding the whole, and fighting to the death in order to obtain it. In their opinion, England had not blustered quite enough to maintain her dignity.

“ Whether the ministry might not equitably have demanded more is not worthy a question. The utmost exertion of right is always invidious, and where claims are not easily determinable, it is always dangerous. Through the whole argument of the faction runs the general error, that our settlement on Falkland’s island was not only lawful, but unquestionable ; that our right was not only

certain, but acknowledged ; and that the equity of our conduct was such, that the Spaniards could not blame or obstruct it without combating their own conviction, and opposing the general opinion of mankind."

Our moralist very plainly hints his opinion of the general validity of the titles by which newly discovered countries are held.

" We have now for more than two centuries ruled large tracts of the American continent by a claim which perhaps is valid only upon the consideration, that no power can produce a better ; by the right of discovery and prior settlement."

The gasconading tone which many of our politicians and our newspapers have adopted, in reference to the probable issue of this dispute in a war, may not be corrected by the following remarks ; but they will not fail of their effect on the judgments of the only portion of the community whose opinions are worth having.

" It is wonderful with what coolness and indifference the greater part of mankind see war commenced. Those that hear of it at a distance, or read of it in books, but have never presented its evils to their minds, consider it as little more than a splendid game, a proclamation, an army, a battle, and a triumph. Some indeed must perish in the most successful field, but they die upon the bed of honor, *resign their lives amidst the joys of conquest, and, filled with England's glory, smile in death.*

" The life of a modern soldier is ill represented by heroic fiction. War has means of destruction more formidable than the cannon and the sword. Of the thousands and ten thousands that perished in our late contests with France and Spain, a very small part ever felt the stroke of an enemy ; the rest languished in tents and ships, amidst damps and putrefaction ; pale, torpid, spiritless, and helpless ; gasping and groaning, unpitied among men, made obdurate by long continuance of hopeless misery ; and were at lastwhelmed in pits, or heaved into the ocean, without notice and without remembrance. By incommodious encampments and unwholesome stations, where courage is useless and enterprise impracticable, fleets are silently dispeopled, and armies sluggishly melted away. Thus is a people gradually exhausted, for the most part, with little effect. . . . . At the conclusion of a ten years' war, how are we recompensed for the death of multitudes and the expense of millions, but by contemplating the sudden glories of paymasters and agents, contractors and commissaries, whose equipages shine like meteors, and whose palaces rise like exhalations ? "

The grandiloquent strut of some of these sentences does not accord very well with the simpler taste of our own times ; but the native vigor of Johnson's good sense, and the soundness of his moral judgments, always pierce through the sesquipedalian verbosity of his style. When his indignation at wrong is fully excited, his language throws off many of its prevailing faults, and becomes natural, without ceasing to be terse and eloquent. Take, for instance, the following passages, which are tolerably pat to our present purpose.

“ Let us not think our laurels blasted by condescending to inquire, whether we might not possibly grow rather less than greater by attacking Spain. Whether we should have to contend with Spain alone, whatever has been promised by our patriots, may very reasonably be doubted. A war declared for the empty sound of an ancient title to a Magellanic rock would raise the indignation of the earth against us. These encroachers on the waste of nature, says our ally, the Russian, if they succeed in their first effort of usurpation, will make war upon us for a title to Kamtschatka.”

“ As peace is the end of war, it is the end likewise of preparations for war ; and he may be justly hunted down as the enemy of mankind, that can choose to snatch by violence and bloodshed what gentler means can equally obtain.”

War is defined by high authority to be a means of establishing justice. If so, it is a very poor means, for it is demonstrable that it establishes no right but that of the strongest. When stripped of its pomp and circumstance, and viewed only in theory, its pretensions to be called a judge of right and wrong appear simply ludicrous. Imagine a proposition seriously brought forward, that the pot-valiant politicians and diplomatists, who “ are ready to shed every drop of their ink, and of other people's blood, in defence of their country's rights,” as they have hitherto had the war of words all to themselves, should be allowed also the exclusive privilege of carrying on the war with keener weapons ; that this national duel should be fought only by the principals, and not at second hand, or by proxy ; that Sir Robert Peel and a dozen members of his cabinet, duly equipped with swords and muskets, should be drawn out in open field against President Polk and his Secretaries, armed after the national fashion with rifles and bowie-knives, to put this great question to the arbitrament of deadly battle. As the latter party would be the

weaker in numbers, they might be assisted by half a dozen of the most valiant members of the Senate ; and as the Duke of Wellington, who has the reputation of being a terrible fighter, would appear on the other side, he might be opposed by that gallant senator who ended a fierce speech on this very matter of Oregon with the following startling prophecy : — “ The man is alive, and with a beard on his face (though it may not be I), who will see an American army in Ireland, and an American general in the streets of London.” The two chivalrous parties, thus made equal, might proceed to shoot and slash each other to their heart’s content, till, one troop being cut to pieces, or having run away, the other might take formal possession of Oregon in their country’s name, — and be required to end their days there.

Every one would laugh at the proposal, worthy only of Captain Bobadil, for settling the controversy in this fashion. Yet which is the more absurd, — we ask it in all seriousness, — that these grave civilians, ministers, and diplomatists should be required to fight their own battles, or that they should be permitted to hire forty or fifty thousand wretches to do all the fighting for them, while the shame, the suffering, and the loss, which must accompany every war, would fall broadcast on the community at large ? “ If damned custom had not brazed them so,” had not so inured them to a passive contemplation of the tremendous evils of war, we might safely trust this question to every man, woman, or child, arrived at years of discretion, either in Great Britain or the United States, and be sure of an answer on the side of humanity, or in favor of confining the fighting to the smallest possible number. The bulk of the population of either country care nothing about Oregon ; why should they ? Not one in ten thousand of them would be made richer or poorer, happier or sadder, by a gain of the whole territory. But where shall we put a limit, even in imagination, to the sufferings, the disasters, the horrors, which must follow in the train of an obstinate and protracted, though it be a successful, war ? To what fireside, either in England or the United States, will it not bring distress, if not a feeling of desolation and despair ? What commercial convulsion, what pestilence, what famine, ever diffused affliction so widely, or caused so fearful a destruction of human life, as a single year of sanguinary warfare between two haughty and powerful nations, for whom science

has carefully studied the most effective means of wholesale murder, and years of steady and deliberate preparation have collected all the munitions and enginery of destruction? The former awful dispensations of God's mysterious providence purify while they chasten; the suffering which they occasion, as it is not brought upon us by the fell devices of an enemy, nor, in most cases, as any immediate effect of our own follies or crimes, is submitted to, if not with resignation, at least without the exasperation of revengeful feelings, or the bitter aggravations of remorse. But the curse of war strikes equally upon the body and the soul; its demoralizing effects continue long after its external wounds have cicatrized, and the carcases of its victims have rotted in their graves.

The foolhardiness which invites danger is seldom prepared to meet it. The fury and ignorance of party contentions, which have twice, within one year, brought this country to the brink of a war, have left our commerce exposed, our fortifications unmanned, and our coasts unguarded. England's war-steamers alone might blockade all our chief ports for a twelvemonth, in spite of our most strenuous efforts, while the remainder of her navy was occupied in sweeping our commerce from the ocean. The entire ruin of our foreign trade, and the paralysis of domestic traffic, would spread bankruptcy over every part of the union. Our staple exports of cotton, tobacco, and grain would lie perishing in the fields, not worth the trouble of harvesting them, except for a limited home consumption, while our ships were rotting at the wharves. True, we might have the satisfaction, in the midst of these disasters, of knowing that we were plunging the iron deep into the vitals of our great antagonist. The manufacturing poor of Birmingham and Manchester might perish for want of employment; the peasantry of England and Ireland, especially after such a season as the last, might starve. Our light-heeled privateers, escaping from the smaller ports, might make a fearful inroad upon that commerce whose sails are whitening every sea. And to reflect upon such facts as these, upon a famine caused by our hostilities, and upon piracy committed under our flag, would be the only consolation for the evils of war endured in our own persons.

The folly and wickedness of such hostilities would be aggravated by the intimate and friendly relations which have long existed between the parties. We do not, indeed, place

much stress upon the ties of common descent, a common language, and a common literature ; these may be a pleasing theme for the scholar and the reflecting man to contemplate, but have little effect upon the people at large, in whose minds they rather create the familiarity which nourishes dislike or breeds contempt. It is humiliating for the pride of human nature to reflect, that brothers may hate each other with the known bitterness of fraternal hatred, while the hearts of partners allied in interests, though not in blood, are grappled to each other as with hooks of steel. The mutual dependence of agricultural and manufacturing industry, similarity of pursuits, and community of interests draw together Great Britain and the United States almost into one nation, and commerce throws around them its connecting chains of gold. Side by side, assisting or defending each other, their daring ships put a belt around the globe, or pass from the Arctic to the Antarctic, and hoist their flags in friendly rivalry with each other in every nook and corner of the remotest seas. Shipwrecked or in peril, the mariner blesses the first glimpse of an approaching flag, careless whether it bears the emblems of St. George, or the stripes and stars ; for in either case it brings assurance of rescue, comfort, and supply. But a few words uttered by a few weak men, " drest in a little brief authority," at London and Washington, more potent than a magician's spell which should change fair and sunny skies to darkness and storm, may convert that flag into a more fearful thing than the utmost violence of the winds and waves. No longer a token of succor at hand, it would become a herald of captivity and ruin, and the sailor will meet alone the utmost perils of fire and flood rather than wait its approach.

It behooves those who have the power to act at a conjuncture pregnant with such awful consequences to look with a heedful eye to the measure of their own responsibility. Thirty years of profound peace among all the great nations of the earth have made governments careless and confident, and men sit under the shadow of their own vine and fig-tree, and talk lightly of a war. A generation has passed away since the conclusion of the last great struggle, and the recollection of the misery and gloom which attended it has become dim. " He jests at scars who never felt a wound." Meanwhile, the feelings and opinions of men respecting the wilful infliction of injury, or the destruction of human life under whatever

pretences, have undergone a greater change in reality than in appearance. Humanity has made progress, great progress ; God be thanked for it ! If the careless and the unthinking still speak recklessly about a war, it is only because war is not definitely connected in their minds with any idea of the shedding of blood. They have only a vague notion of it as a sort of nonintercourse, by which, at considerable inconvenience to itself, a nation bravely avows its determination not to be cheated out of the least of its rights. In this way alone can we account for the absurd blustering of some very worthy persons, who talk about vindicating our pretensions to that worthless Oregon by an appeal to arms. Bring the matter home to them, let them wake up some morning and find themselves in the midst of a war, and they would be struck with horror and remorse. The news of a great victory, of the old-fashioned kind, attended with the slaughter of thousands on both sides, instead of being received with exultation, as we verily believe, would excite in their minds only the mingled feelings of grief, humiliation, and repentance. Above all, they would hold to a fearful accountability the politicians whose policy had become so deeply stained with blood. Then let the English ministry and the American government look to it ; they may carry on this war of words for a while longer, and it will harm no one ; they will even deserve and obtain what is the sole object of their ambition, the applause of their countrymen for being so valiant and steadfast in defence of their country's rights. But the outbreak of actual hostilities between England and America about such a contemptible possession will be followed by a storm of popular indignation, that will not only hurl them from their pride of place, but will cover the history of their administrations with disgrace, and leave an indelible blot upon their names.